

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

ADAM ROMANOWICZ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.:
	:	
ELDRIDGE REAL ESTATE GROUP, LLC, and	:	COMPLAINT AND JURY
JESSICA L. ELDRIDGE,	:	DEMAND
	:	
Defendants.	:	
	:	

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff, ADAM ROMANOWICZ (“Romanowicz” or “Plaintiff”), brings this complaint in the United States District Court for the Northern District of Ohio against ELDRIDGE REAL ESTATE GROUP, LLC (“Eldridge Real Estate”), and JESSICA L. ELDRIDGE (“Jessica Eldridge”) (together “Defendants”) alleging as follows:

**PARTIES**

1. Romanowicz is an experienced commercial photographer with over twenty years of experience and specializing in travel and landscape photography. Romanowicz’s work is regularly featured on television shows, calendars, magazines, store displays, and websites. Romanowicz resides in Bloomingdale, Illinois.
2. On information and belief, Eldridge Real Estate is an Ohio Domestic Limited Liability Company existing under the laws of the State of Ohio, with headquarters in Dublin, Ohio. Eldridge Property owns, operates, and is solely responsible for the content on its commercial websites, [www.guaranteedcleanenergy.com](http://www.guaranteedcleanenergy.com), [www.columbusohiohome.com](http://www.columbusohiohome.com).

3. On information and belief, Jessica Eldridge is an individual and CEO of Eldridge Property.

#### JURISDICTION AND VENUE

4. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
5. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
6. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b), in that Defendant: 1) transacted business within the State of Illinois; and 2) committed a tortious act within State of Illinois.
7. Defendant is subject to personal jurisdiction in Illinois.
8. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

#### FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

9. Plaintiff captured the photograph, “Columbus Ohio Skyline at Night” (“Copyrighted Photograph”) on July 12, 2017. [Exhibit 1]. Plaintiff captured Copyrighted Photograph using great technical skill and careful timing, as well as significant time and energy.
10. Plaintiff registered Copyrighted Photograph with the United States Copyright Office on July 18, 2017 (Registration No.: VA 1-281-805). [Exhibit 2].
11. On or about August 1, 2017, Plaintiff posted Copyrighted Photograph to [www.3scape.com/pic/10450/Columbus-Ohio-Skyline-at-Night](http://www.3scape.com/pic/10450/Columbus-Ohio-Skyline-at-Night) (Last visited October 23, 2020). [Exhibit 3].
12. Plaintiff attached the following notice to Copyrighted Photograph: “3scape.com.” [Exhibit 3].

13. Beginning on or about December 7, 2017, Defendants copied and posted Copyrighted Photograph to the following URLs:

- [www.linkedin.com/in/jessicaeldridgeorealtorohio/](http://www.linkedin.com/in/jessicaeldridgeorealtorohio/) (Last visited March 27, 2020). [Exhibit 4].
- [www.facebook.com/jessicaeldridgeohiorealestateagent](http://www.facebook.com/jessicaeldridgeohiorealestateagent) (Last visited March 27, 2020). [Exhibit 5].
- [www.realtor.com/realestateagents/jessica-l.-eldridge,-realtor\\_dublin\\_oh\\_3065111\\_489379143](http://www.realtor.com/realestateagents/jessica-l.-eldridge,-realtor_dublin_oh_3065111_489379143) (Last visited March 27, 2020). [Exhibit 6].

14. Defendants copied and used Copyright Photograph as a nearly full-page image on its home page of its commercial website. [Exhibit 6].

15. Defendants copied and posted Copyrighted Photograph without license or permission from Romanowicz.

COUNT I: INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.

16. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

17. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to Copyrighted Photograph, which is the subject of a valid Certificate of Copyright Registration by the Register of Copyrights.

18. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce and distribute the Copyrighted Photograph to the public.

19. Plaintiff is informed and believes Defendants, without the permission or consent of Plaintiff, copied and used Copyrighted Photograph on Defendant's commercial websites detailed above in Paragraph 12. In doing so, Defendant violated Plaintiff's exclusive rights of

reproduction and distribution. Defendants' actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.

20. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.
21. Upon information and belief, Jessica Eldridge is the dominant influence in Eldridge Real Estate, and determined and/or directed the policies that led to the infringements complained of herein. Accordingly, Jessica Eldridge is jointly and severally liable for direct copyright infringement. *See Broad. Music, Inc. v. It's Amore Corp.*, No. 3:08CV570, 2009 WL 1886038 (M.D. Pa. June 30, 2009), citing *Sailor Music v. Mai Kai of Concord, Inc.*, 640 F. Supp. 629, 634 (D.N.H.1984). Upon further information and belief, Jessica Eldridge maintained the right and ability to control the infringing activities of Eldridge Real Estate, and had a direct financial interest in those activities by virtue of his ownership in the company and the profits derived from the direct sale of Eldridge Real Estate's products and services. Accordingly, Jessica Eldridge is vicariously liable for copyright infringement. *See, e.g., Broad. Music, Inc. v. Tex Border Mgmt.*, 11 F. Supp. 3d 689, 693-94 (N.D. Tex. 2014).
22. As a result of Defendants' infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to actual or statutory damages, including any profits realized by Defendants attributable to the infringement, pursuant to 17 U.S.C. § 504 for Defendant's infringement of Copyrighted Photograph.

COUNT II: REMOVAL AND ALTERATION OF INTEGRITY OF COPYRIGHT  
MANAGEMENT INFORMATION PURSUANT TO 17 U.S.C. § 1202

23. Plaintiff is informed and believes that Defendants, without the permission or consent of Plaintiff, knowingly and with the intent to conceal infringement, intentionally removed the copyright management information from Plaintiff's Copyrighted Photograph before

displaying Copyrighted Photograph on Defendants' commercial website, [www.guaranteedcleanenergy.com](http://www.guaranteedcleanenergy.com). In doing so, Defendants violated 17 U.S.C. § 1202(a)(1) and (b)(1).

24. As a result of Defendants' actions, Plaintiff is entitled to actual or statutory damages pursuant to 17 U.S.C. § 1203(c). Plaintiff is further entitled to their attorney's fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- A. Declaring that Defendants' unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendants, their officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;
- C. Ordering Defendants to account to Plaintiff for all gains, profits, and advantages derived by Defendants by their infringement of Plaintiff's copyright or such damages as are proper, and since Defendants intentionally infringed Plaintiff's copyright, for the maximum allowable statutory damages for each violation;
- D. Awarding Plaintiff actual and/or statutory damages for Defendants' copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorney's fees, and disbursements in this action, pursuant to 17 U.S.C. § 505, 17 U.S.C. § 1203(b)(3), and § 1203(b)(5); and

F. Awarding Plaintiff such other and further relief as is just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: October 23, 2020

/s/ David C. Deal  
David C. Deal (VA Bar No.: 86005)  
The Law Office of David C. Deal, P.L.C.  
P.O. Box 1042  
Crozet, VA 22932  
434-233-2727, Telephone  
david@daviddeal.com  
*Counsel for Plaintiff*

EXHIBIT 1



EXHIBIT 2

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Karen Leigh Ayres*

Acting United States Register of Copyrights and Director

Registration Number

**VAu 1-281-805**

Effective Date of Registration:

July 18, 2017

Case # 1-5639304391

Title \_\_\_\_\_

Title of Work: Unpublished Collection of Photos created Jan 2017 - Jul 2017. (1261 Images)

Completion/Publication \_\_\_\_\_

Year of Completion: 2017

Author \_\_\_\_\_

- Author: Adam Romanowicz  
Author Created: photograph  
Citizen of: United States

Copyright Claimant \_\_\_\_\_

Copyright Claimant: Adam Romanowicz  
PO Box 186, Medinah, IL, 60157-0186, United States

Rights and Permissions \_\_\_\_\_

Name: Adam Romanowicz  
Email: adam@3scape.com  
Telephone: (312)970-9894  
Address: PO Box 186  
Medinah, IL 60157-0186 United States

Certification \_\_\_\_\_

Name: Adam Romanowicz  
Date: July 18, 2017

Copyright Office notes: Basis for Registration: Unpublished collection

Page 1 of 1



## EXHIBIT 3


← → ↺ 🏠 <https://3scape.com/pic/10450/Columbus-Ohio-Skyline-at-Night> 🔍 Search ⬇️ 🖨️ 📱 📧 ☰

**ADAM ROMANOWICZ**  
Landscape & Travel Photographer

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### Columbus Ohio Skyline at Night



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**Related Images**







**Description**

Columbus is the capital and largest city of the U.S. state of Ohio. It is the 14th-largest city in the United States. Named for explorer Christopher Columbus, the city was founded in 1812 at the confluence of the Scioto and Olentangy rivers, and assumed the functions of state capital in 1816.

**Navigation**

No More Images in Set No More Images in Set

**Print Options**

-  [Art Print \(\\$18\)](#)
-  [Framed Print \(\\$56\)](#)
-  [Canvas Print \(\\$67\)](#)
-  [Metal Print \(\\$35\)](#)

**Image Tags**

airport building, architecture, bicentennial park, bridge, cities, city, cityscape, cityscapes, columbus, columbus skyline, downtown, dusk, franklin county, huntington center, landscape, levee tower, lights, long exposure, night, ohio, ohio state university, reflection, rich street, scioto mile park, scioto river, skyline, sunset, travel, urban, verne riffe state office tower, water, william green building

**Search More**

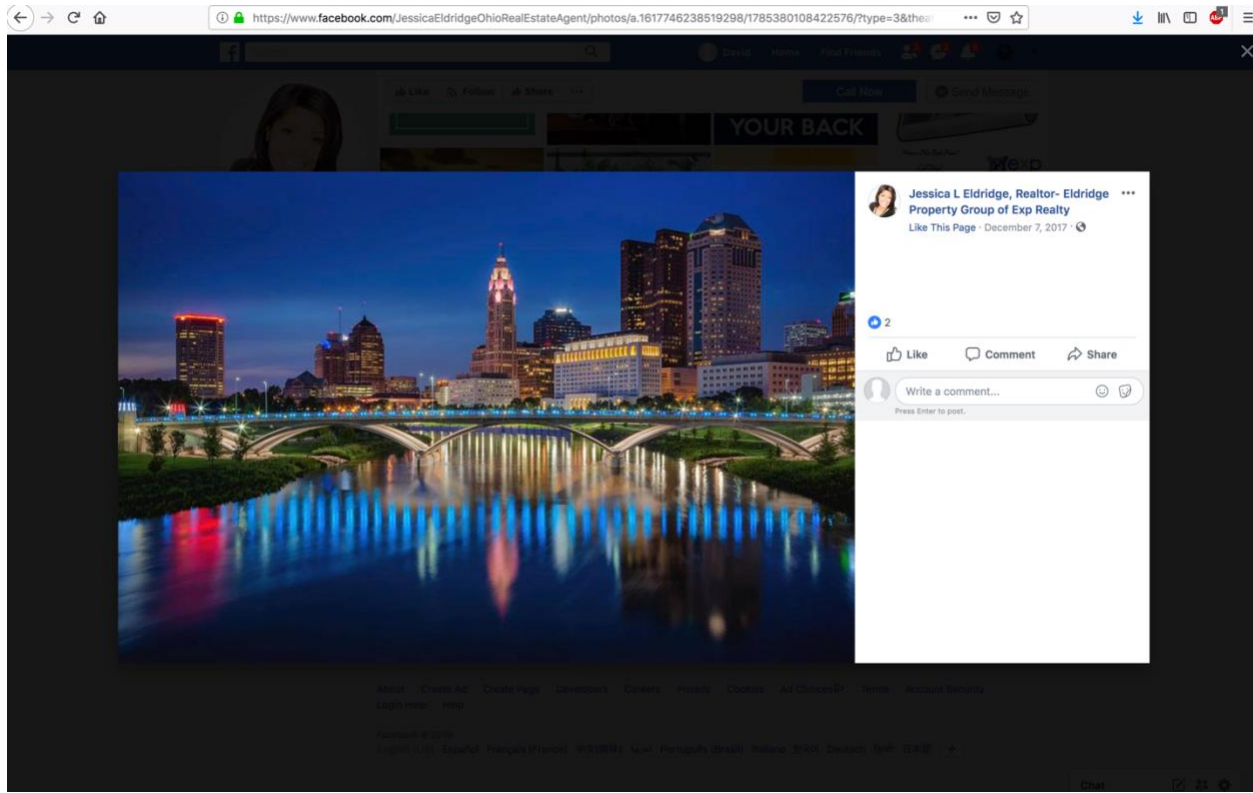
- [Columbus Ohio Skyline at Night Art Prints](#)
- [Columbus Ohio Skyline at Night Framed Prints](#)
- [Columbus Ohio Skyline at Night Canvas Prints](#)
- [Columbus Ohio Skyline at Night Metal Prints](#)



# EXHIBIT 4

The screenshot displays a LinkedIn profile for Jessica L. Eldridge, Realtor. The profile is for a 3rd-degree connection. Her current position is CEO at Eldridge Property Group, LLC of eXp Realty in the Columbus, Ohio Area. She has 218 connections. The profile includes a banner image of a city skyline at night and a placeholder for a profile picture. A 'Message' button is visible. Below the profile information, there is a section for 'Experience' listing her role as CEO- Managing Realtor at Eldridge Property Group, LLC from November 2017 to the present (1 year 5 months). The right sidebar shows a messaging overlay with a search bar and a list of recent activity, including messages from Cynthia Garrett, Alexander Chucri, Cassie from LinkedIn, Lela Countryman, William Byrnes, Fred Kofman, Claire Fogarty, Cornell Johnson, and JT 'Doc' Berry. There are also promotional banners for Comcast Business and a 'Save \$600/yr. on Internet' offer.

EXHIBIT 5



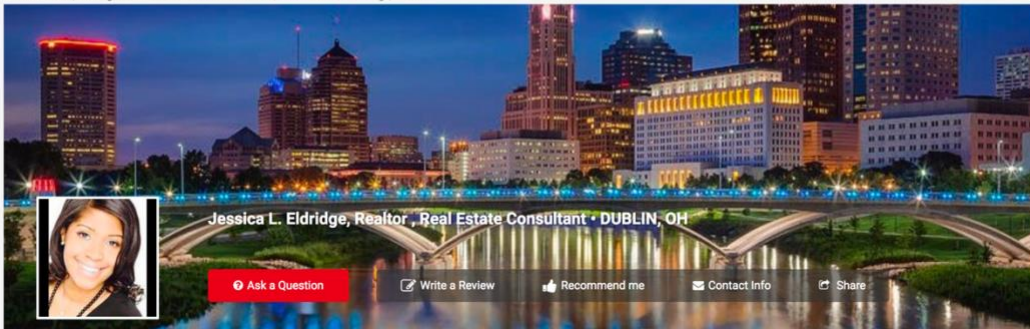
## EXHIBIT 6


← → ↺ 🏠
https://www.realtor.com/realestateagents/jessica-l-eldridge,-realtor\_dublin\_oh\_3065111\_489379143
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Back to Search | Viewing: Home > Find A Realtor > DUBLIN, OH > Jessica L. Eldridge, Realtor





**Jessica L. Eldridge, Realtor, Real Estate Consultant • DUBLIN, OH**

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**About Jessica L. Eldridge, Realtor  with Exp Realty**

Agents: [Edit this profile](#)

As I am a licensed Realtor I enjoy helping Families across Central Ohio find the right home and achieve the American Dream. Born and raised a Buckeye, I love helping families plant their roots in what I believe to be one of the best places to grow up and raise a family. I have 7 years of Corporate buyer negotiating skills for local fortune 500 companies. I purchased my first property at 21 years old and felt the urge to become an agent after an unpleasant experience with an agent we used (I simply did not want other families to experience the level of service I received). I have worked the past 3 years in Real Estate Homeowners Association and Real Estate Management. I have a passion for helping and educating people. My hope is that my clients will find me to be a professional trusted Real Estate resource for life. My goal is to make your American Dream a Reality! jessicaeldridge.realtor

**Brokerage**  
Exp Realty

**Slogan**  
Making Your American Dream A Reality!

**Recommendations**  
Did you have a great experience working with this agent? [Make Recommendation](#)